

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 14,175

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Appeal of)

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INTRODUCTION

The petitioner appeals a denial of ANFC benefits based upon her receipt of a lump sum of income.

FINDINGS OF FACT

1. The petitioner applied for ANFC benefits for herself and her family in early January of 1996. She was denied on January 3, 1996, based on her receipt of \$16,925.32 in a lump sum which, after some deductions, resulted in a \$15,810.24 countable amount. She was disqualified through May 31, 1996, and a \$578.24 excess income amount was applied to any application she might make in any following month.

2. The petitioner was notified on January 19, 1996, that her application was also denied based on Human Services Board Fair Hearing No. 13,847 dated December 18, 1995. The Department relies on the Board's ruling in that case as dispositive of the issues raised in this appeal. A copy of that decision is attached hereto and incorporated by reference herein.

3. The petitioner does not allege any change in her family size or present any additional expenses for deduction from her countable lump sum. The only new information she presents at this hearing is the fact that she, her husband and their two children lost their apartment due to their lack of income and are now living in a shelter for

homeless families. They can continue to live there for up to two more months. The children need boots and shoes. The petitioner has not applied for help through the General Assistance program.

ORDER

The decision of the Department is affirmed.

REASONS

The Board's decision in Fair Hearing No. 13,847 affirmed the disqualification of the petitioners based on their receipt of lump sum income for a period extending at least through May 31, 1996. No new facts are alleged by the petitioners which would shorten that period under the lump sum disqualification rule at W.A.M. 2250.1. Therefore, the Board's prior decision is res judicata as to this issue and the Department's denial should be affirmed. The petitioners are encouraged to apply for General Assistance to see if they might be eligible for help with any of their current expenses.

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